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March 19, 2025

File: W2025L2-0001

Mark Cliffe-Phillips
Mackenzie Valley Review Board
200 Scotia Centre
Box 938, 5102-50th Avenue
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

Re: Diavik Diamond Mines (2012) Inc. – Notice of Preliminary Screening Determination – Renewal Application for Water Licence – Lac de Gras, NT

The Wek'èezhì Land and Water Board (Board) met on March 19, 2025 and considered the Application Package from Diavik Diamond Mines (2012) Inc. (DDMI) for Water Licence (Licence) W2025L2-0001 in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).¹

The Project has previously been assessed through an Environmental Assessment completed in June 1999,² the Preliminary Screening Determination dated January 30, 2020,³ and the Review Board's Report of EA EA1819-01 dated January 2020.⁴ DDMI has not proposed changes to the Project. Accordingly, the Board has determined that the Project is exempt from preliminary screening under Part 1, Schedule 1, section 2 of the Exemption List Regulations to the MVRMA. Consequently, no further preliminary screening was conducted. The Board's Preliminary Screening Determination and Reasons for Decision is attached.

¹ See WLWB Online Registry for [Diavik - WL Renewal - Application - Jan 17 25](#), [Diavik - Attachment L - Closure Surface Runoff and Seepage Criteria - Jan 16 25](#), and [Diavik - WL Renewal - GIS Data - Jan 16 25](#).

² See WLWB Online Registry (www.wlwb.ca/) for [N7L2-1645 - Diavik - Comprehensive Study Report - Jun 99](#).

³ See WLWB Online Registry for [Diavik – WL Amendment Application – A21 Underground – PS Determination and Notification – Jan 30 20](#).

⁴ See Review Board Registry at www.reviewboard.ca for [Report of Environmental Assessment and Reasons for Decision](#).

Please contact Anneli Jokela via [email](#) or at (867) 765-4588 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Zoe', enclosed within a simple oval scribble.

Jocelyn Zoe
Acting Chair, Wek'èezhìi Land and Water Board

BCC'd to: Diavik Distribution List
Sean Sinclair, DDMI

Attached: Preliminary Screening Determination and Reasons for Decision



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Preliminary Screening Determination and Reasons for Decision

Water Licence Application	
File Number	W2025L2-0001
Company	Diavik Diamond Mines (2012) Inc.
Project	Diavik Diamond Mine
Location	Lac de Gras, NT
Activity	Mining and Milling
Date of Decision	March 19, 2025

1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Wek'èezhì Land and Water Board (WLWB or Board) met on March 19, 2025 to make a preliminary screening determination on the Renewal Application from Diavik Diamond Mines (2012) Inc. (DDMI) (Applicant) for Water Licence W2025L2-0001 (Licence)¹ for the Diavik Diamond Mine (Project).²

The Board has determined that the Project is exempt from preliminary screening, because: the Project underwent an Environmental Assessment (EA); activities/areas not subject to EA were previously screened; and the Applicant has not proposed changes to the Project.

¹ See WLWB Online Registry for [Diavik - WL Renewal - Application - Jan 17 25](#), [Diavik - Attachment L - Closure Surface Runoff and Seepage Criteria - Jan 16 25](#), and [Diavik - WL Renewal - GIS Data - Jan 16 25](#).

² The Project is the Diavik Diamond Mine, which is the proposed development, where "development" is defined in Part 5 of the [MVRMA](#) as:

"any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law."

The Board’s determination, including reasons for its decision, are detailed in sections [3.0](#) and [4.0](#).

2.0 List of Defined Terms and Acronyms

Applicant	Diavik Diamond Mines (2012) Inc. (DDMI)
Application	The complete application package submitted by the Applicant for Water Licence W2025L2-0001.
Board	Wek’èezhìi Land and Water Board
CRP	Closure and Reclamation Plan
CSR	Comprehensive Study Report
DDMI	Diavik Diamond Mines (2012) Inc.
DFO	Fisheries and Oceans Canada
DKFN	Deninu Kùé First Nation
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
EMAB	Environmental Monitoring Advisory Board
FCRP	Final Closure and Reclamation Plan
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
LKDFN	Lutsel K’e Dene First Nation
MVLWB	Mackenzie Valley Land and Water Board
MVRMA	Mackenzie Valley Resource Management Act
Minister	Minister of the Government of the Northwest Territories – Environment and Climate Change
ORS	Online Review System (www.new.onlinereviewssystem.ca)
Party	As per the LWB Rules of Procedure , an applicant, a person, or an organization participating in the regulatory proceeding for the Application.
PKMW	Processed Kimberlite to Mine Workings
Project	Diavik Diamond Mine, which is the proposed development (as defined in Part 5 of the MVRMA). ³
Review Board	Mackenzie Valley Environmental Impact Review Board
Standard Licence Conditions	LWB Standard Water Licence Conditions Template
TG	Tłıchq Government
TK	Traditional Knowledge
WLWB	Wek’èezhìi Land and Water Board
YKDFN	Yellowknives Dene First Nation

³ “development” is defined in Part 5 of the [MVRMA](#) as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

3.0 Background and Scope of Screening

On January 9, 2025, Diavik Diamond Mines (2012) Inc. (DDMI) (the Applicant) submitted an Application to renew its Type A Water Licence. The purpose of this Application is to enable authorization to complete the remainder of the operational phase of the Diavik Diamond Mine, as well as complete the active closure and initial post-closure monitoring phases of the Project. The Applicant is requesting changes to its Licence to include: remaining closure work associated with the requirement to re-establish all island pre-development drainages; and to discharge treated sewage effluent from closure camp facilities.

DDMI submitted an Engagement Log with its Application that outlines the pre-submission engagement completed prior to submission to the Board. The Engagement Log indicates that engagement with Indigenous and non-Indigenous Governments and Organizations took place from October 2024 to December 2024, and included a three-day Workshop on Final Closure and Reclamation. This in-person and virtual facilitated Workshop was hosted by the WLWB, and the facilitators' report was included in the Application. The Engagement Log describes that, at minimum, an email was sent to all Affected Parties seeking feedback on the Amendment, and if no response was received follow-ups by phone call and/or email occurred. Concerns and/or feedback was received and included in the Engagement Log. The Engagement Log did not indicate concerns with moving forward with the Renewal. The Engagement Log also includes details regarding communication on the application of cultural use criteria to the re-establishment of natural drainage per requirement #16 of the Reasons for Decision on the Decommissioning Amendment.⁴

The environmental effects of the Diavik Diamond Mine were first assessed under the Canadian Environmental Assessment Act in 1999 through the Comprehensive Study Report (CSR). The CSR concluded the following:

The [Responsible Authorities (RAs)] have concluded that with implementation of mitigation measures and follow-up requirements described in this comprehensive study report, the Diavik Diamonds Project will not result in significant adverse environmental effects.⁵

Since the 1999 Comprehensive Study Report, the scope of the Project was revised to include underground mining at the A21 pit⁶ and deposition of Processed Kimberlite to Mine Workings (PKMW Project).⁷ The PKMW Project also underwent an Environmental Assessment as detailed in the Mackenzie Valley Environmental Impact Review Board's (Review Board) Report of EA EA1819-01.⁸

⁴ See WLWB Online Registry for [Diavik - WL Amendment - Decommissioning - RFD and Recommendation to the Minister - Mar 19 24](#).

⁵ See WLWB Online Registry for [N7L2-1645 - Diavik - Comprehensive Study Report - Jun 99](#) pg. xii.

⁶ See WLWB Online Registry for [Diavik - WL Amendment Application - A21 Underground - PS Determination and Notification - Jan 30 20](#).

⁷ See WLWB Online Registry for [Diavik - WL Amendment - PKMW - Reasons for Decision - Apr 28 21](#).

⁸ See Review Board Registry at www.reviewboard.ca for [Report of Environmental Assessment and Reasons for Decision](#).

The Applicant has not proposed changes to the Project, and under Schedule 1, section 2 of the Exemption List Regulations to the [MVRMA](#), project areas and activities that have already been subject to Part 5 of the MVRMA, and for which no changes are proposed, are exempt from preliminary screening.⁹

The Project areas and activities that have already been subject to Part 5 are listed below. Further information about these Project areas and activities, and associated impacts and mitigations, is detailed in the Comprehensive Study Report, dated June 1999; the Board's Preliminary Screening Determination, dated January 30, 2020¹⁰; and the Mackenzie Valley Environmental Impact Review Board's (Review Board) Report of EA EA1819-01, dated January 2020.¹¹

Previously Screened or Assessed Areas and Activities:

This section of the Boards' Reasons for Decision does not describe all previously screened or assessed areas and/or activities for the Diavik Project. This discussion is limited to the relevant Project areas and activities as described in the Application to complete remaining closure work associated with the requirement to re-establish all island pre-development drainages; and to discharge treated sewage effluent from closure camp facilities.

The Diavik Water Licence was first issued as N7L2-1645 by the Northwest Territories Water Board on August 16, 2000.¹² Since that time, the Licence has been renewed twice (W2007L2-0003 and W2015L2-0001) and has been amended four times. Since the 1999 Comprehensive Study Report, the Project has been modified to include underground mining at the A21 pit¹³ and deposition of processed kimberlite into the open pits (PKMW Project).¹⁴ These modifications have been subject to Part 5 of the MVRMA.¹⁵ Exempt from Preliminary Screening under Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA, the Licence has also been amended to allow for an increase in water usage related to closure activities and Decommissioning of two of the collection ponds.¹⁶ The current Water Licence W2015L2-0001 entitles Diavik Diamond Mines (2012) Inc. (DDMI) to:

... use Water, dewater a portion of Lac de Gras, and dispose of Waste, including deposition of Processed Kimberlite in the Mine Workings (A418 and A154), for the purpose of

⁹ As per Schedule 1, section 2 of the [Exemption List Regulations](#), no preliminary screening is required for: "A development, or a part thereof, for which renewal of a permit, licence or authorization is required and that (a) has not been modified; and

(b) has fulfilled the requirements of any environmental assessment process established by the *Mackenzie Valley Resource Management Act* or any other federal act."

¹⁰ See WLWB Online Registry for [Diavik – WL Amendment Application – A21 Underground – PS Determination and Notification – Jan 30 20](#).

¹¹ See Review Board Registry at www.reviewboard.ca for [Report of Environmental Assessment and Reasons for Decision](#).

¹² See WLWB Online Registry for [N7L2-1645 - Diavik - Water Licence - Reasons for Decision - Aug 21_00](#).

¹³ See WLWB Online Registry for [Diavik - WL Amendment - A21 Underground - RFD and Recommendation to Minister - Sep 24 20](#).

¹⁴ See WLWB Online Registry for [Diavik - WL Amendment - PKMW - Reasons for Decision - Apr 28 21](#).

¹⁵ See WLWB Online Registry for [Diavik – WL Amendment Application – A21 Underground – PS Determination and Notification – Jan 30 20](#); and see Review Board Registry at for [Report of Environmental Assessment and Reasons for Decision](#).

¹⁶ See WLWB Online Registry for [Diavik – WL Amendment – Progressive Reclamation – RFD and Recommendation to Minister – June 2 22](#), [Diavik – WL Amendment – Increased Water Use – Updated Licence – Nov 9 22](#), and [Diavik - WL Amendment - Decommissioning - RFD and Recommendation to the Minister - Mar 19 24](#).

Construction, operation, closure, and Reclamation of the Diavik Diamonds Project in the Lac de Gras area of the Coppermine Watershed, Northwest Territories, as shown on Figure 2.1, (Overall Site Plan, page 13, Diavik Diamonds Project Supporting Documentation Class A Water Licence Application, August 1999) and as discussed in Section 1.3 of the Report of Environmental Assessment and Reasons for Decision (EA1819-01).¹⁷

DDMI has not proposed changes to the scope of the Project in the draft Licence included in the Application. In its Application, DDMI indicates its understanding that the amendment Application is exempt from preliminary screening because the closure and reclamation work it is seeking to have captured through Licence conditions was previously assessed as part of the Comprehensive Study Report dated June 1999.¹⁸ DDMI indicates that the closure and reclamation activities have been described in approved Closure and Reclamation Plans and are included in the Final Closure and Reclamation Plan (FCRP), of which parts have already been approved by the Board.¹⁹ DDMI also noted previous Preliminary Screening Determinations considered the reconnection of natural drainage and the Board confirmed it to be exempt under Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA.²⁰

The 1999 Comprehensive Study Report describes the plan for water management at closure, including the reconnection of natural drainage to Lac de Gras. This proposed closure activity has not been modified during subsequent Water Licence Amendments (i.e., the amendments to include A21 underground, Processed Kimberlite to the mine workings, increased water usage, and decommissioning of two of the collection ponds).

Currently, the Diavik Diamond Mine's Sewage Treatment Facility operates at a capacity of approximately 650 people and treated sewage effluent is co-disposed with fine processed kimberlite slurry in the mine working of pit A418. DDMI is proposing to alter the sewage treatment system at closure. Specifically, DDMI has proposed a new sewage treatment facility (STF) to accommodate a lower volume of sewage (based on a camp size of approximately 150 people) and discharge treated effluent directly to Lac de Gras. DDMI noted that this approach of discharging treated effluent directly to Lac de Gras was previously authorized by the Board during the initial construction phase and was considered as part of the CSR. DDMI indicated the CSR considered treated effluent discharge to Lac de Gras from a camp of up to 600 people and the original Licence (N7L2-1645) included EQC for the treated effluent. In the current Application, DDMI indicated that the EQC that would apply to the proposed STF are based on EQC previously authorized by the Board in the original Licence N7L2-1645 issued on August 16, 2000, with the exception of total suspended solids (TSS) which was increased to align with the EQC currently approved for the North Inlet Water Treatment System (NIWTP). DDMI proposed the point of compliance be applied to the currently approved SNP station for the South Sewage Treatment Plant (i.e., station 1645-11).

¹⁷ See WLWB Online Registry for [Diavik – Water Licence – SNP 1645-44 Update – Dec 1 22](#).

¹⁸ See WLWB Online Registry for [N7L2-1645 - Diavik - Comprehensive Study Report - Jun 99](#).

¹⁹ See WLWB Online Registry for [Diavik - Final CRP - Version 1 - Reasons For Decision - Jul 19 24](#).

²⁰ See WLWB Online Registry for [Diavik – WL Amendment – Progressive Reclamation – Preliminary Screening Determination – Jan 24 22](#), and [Diavik - WL Amendment - Decommissioning - Preliminary Screening Determination - Feb 22 23](#).

During the public review of the Application, some Parties commented on the closure sewage treatment plant and recommended further information and clarification regarding how current evidence compare to what was considered during the CSR (DKFN comments 3 and 6, GNWT-ECC comment 5). However, no Parties indicated that it did not agree with DDMI's proposition that the Application is exempt from preliminary screening, nor did Parties recommend the Application be referred to EA.

3.1 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Application for public review on the Online Review System (ORS) on January 17, 2025. Reviewers were invited to provide comments and recommendations on the Application and whether Parties believe a preliminary screening is required (i.e., not exempt from screening). A Draft Work Plan was circulated with the Application and asked reviewers to provide comments on the workplan by January 24, 2025. Comments on the Application were due by February 18, 2025.²¹ No Parties asked for an extension to the review comment deadline in comments on the Draft Work Plan; however, a conflicting Public Hearing at the Mackenzie Valley Land and Water Board (MVLWB) was noted.²² Therefore, the Work Plan was updated with revised dates for the Technical Session in order to avoid overlap with the Public Hearing.²³

A request was received after the comment deadline for comments on the Draft Work Plan for additional time for the public review of the Application. Due to timing limitations in the Work Plan related to legislative timelines, the full request could not be accommodated. However, given the timing of the Technical Session, an additional two weeks was granted to the public review comment deadline without impacting the dates of the Technical Session and the timing of subsequent steps. The Work Plan was updated accordingly, and reviewer comments were due by March 4, 2025, with responses from the Applicant due March 18, 2025.²⁴

The Board received comments and recommendations from the Tłı̨chǫ Government (TG), Yellowknives Dene First Nation (YKDFN), Deninu Kų́ę First Nation (DKFN), Lutsel K'e Dene First Nation (LKDFN), Environmental Monitoring Advisory Board (EMAB), Government of the Northwest Territories – Environment and Climate Change (GNWT-ECC), Environment and Climate Change Canada (ECCC), and Fisheries and Oceans Canada (DFO).²⁵ Board staff also submitted comments and questions for the purposes of clarification. In comments, EMAB provided its view that the Application does not require an EA (EMAB comment 18).

Since there were no further requests to extend the reviewer comment deadlines, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the [MVRMA](#).

²¹ See WLWB Online Registry for [Diavik - WL Renewal - Draft Work Plan - Jan 17 25](#).

²² See WLWB Online Registry for [Diavik - WL Renewal - Draft Work Plan - Comments - Jan 27 25](#).

²³ See WLWB Online Registry for [Diavik - WL Renewal - Work Plan - Version 1 - Jan 27 25](#).

²⁴ See WLWB Online Registry for [Diavik - WL Renewal - Work Plan - Version 2 - Feb 12 25](#).

²⁵ See WLWB Online Review System for [Diavik – Type A WL Renewal](#).

The Board is also satisfied that notice of the Application was provided to the Tłjchq Government and that a reasonable period of time was provided for the TG to make representations to the Board in accordance with section 63 of the [MVRMA](#).

The Board also provided notification to the Tłjchq Government on the Application in accordance with the [MVRMA](#) for a “major mining project,” as defined in Chapter 23 of the [Tłjchq Land Claims and Self-Government Agreement](#).²⁶ The Applicant and the Tłjchq Government have communicated to the Board that engagement is ongoing. The correspondence indicates that more details regarding agreement between DDMI and the Tłjchq Government under section 23.4.1 of the Tłjchq Agreement will be provided by mid-May 2025.²⁷

4.0 Potential Impacts and Proposed Mitigations

Although the Board has determined that the Project is exempt from preliminary screening, the Board will consider the potential impacts and proposed mitigations in establishing the Licence conditions. For Board licences and permits in general, potential impacts can be mitigated through existing, standard, and/or project-specific licence and/or permit conditions. These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

All Parties will have an opportunity to provide recommendations to the Board regarding draft conditions. In finalizing the conditions, the Board will consider these recommendations and all of the evidence provided through the regulatory proceeding.

The Board acknowledges that the Final Closure and Reclamation Plan (FCRP) is also an important document that considers mitigations for potential impacts within the context of closure of the Diavik Diamond Mine. In comments on the public review of the Licence Renewal, Parties have highlighted the intrinsic nature of the content of the FCRP to the success of closure and mitigation of potential social, cultural, and environmental impacts. While parts of the FCRP have been approved by the Board, the FCRP as a whole has not yet been approved. The review and consideration of this document is anticipated to occur concurrently to the Licence Renewal proceeding as the submission of the FCRP is required by April 15, 2025.²⁸ The Board notes that the FCRP discussions, which are to occur separately from the Renewal proceeding, can further consider mitigations related to closure.

²⁶ See WLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Tłjchq Land Claims and Self-Government Agreement](#) and [Diavik - WL Renewal - Notice of Application for a Major Mining Project - Jan 17 25](#).

²⁷ See WLWB Online Registry for [Diavik - WL Renewal - TG and DDMI Response RE 23.4.1 of Tłjchq Agreement - Mar 14 25](#).

²⁸ See WLWB Online Registry for [Diavik - Final CRP - Version 1 - Reasons For Decision - Jul 19 24](#).

5.0 Conclusion

The Project was previously assessed by an EA (i.e., Comprehensive Study Report) in June 1999,²⁹ the Board completed a preliminary screening of the Project on January 30, 2020,³⁰ the Review Board completed an EA of the Project in January 2020,³¹ and the Applicant has not proposed changes to the Project. Accordingly, the Board has determined that the Project is exempt from preliminary screening under Part 1, Schedule 1, section 2 of the Exemption List Regulations to the [MVRMA](#). Consequently, no further preliminary screening was conducted.

SIGNATURE



Jocelyn Zoe, Acting Chair
Wek'èezhìi Land and Water Board

March 19, 2025

Date

²⁹ See WLWB Online Registry for [N7L2-1645 - Diavik - Comprehensive Study Report - Jun 99](#).

³⁰ See WLWB Online Registry for [Diavik – WL Amendment Application – A21 Underground – PS Determination and Notification – Jan 30 20](#).

³¹ See Review Board Registry for [Report of Environmental Assessment and Reasons for Decision](#).